


ORIGINAL

Approved: 

Marcia S. Cohen
Assistant United States Attorney

Before: THE HONORABLE LISA MARGARET SMITH
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA

: COMPLAINT

19 mag 4420

-v-

DANIEL MONAHAN,

: Violations of 18 U.S.C.
: §§ 2252A(a)(1),
: (a)(2)(B), (a)(5)(B),
: and (b)(2)

Defendant.

: COUNTY OF OFFENSES:
: Orange County

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SOUTHERN DISTRICT OF NEW YORK, ss.:

RYAN P. CLANCY, being duly sworn, deposes and says that he is a Task Force Officer with the Federal Bureau of Investigation ("FBI") and charges as follows:

COUNT ONE

(Receipt and Distribution of Child Pornography)

1. From on or about October 19, 2018 up to and including on or about October 26, 2018, in the Southern District of New York and elsewhere, DANIEL MONAHAN, the defendant, knowingly received and distributed material containing child pornography that had been mailed, and using means and facilities of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, MONAHAN, while in the Southern District of New York, used Kik, a mobile application on his cell phone, to distribute and receive files containing child pornography to and from other Kik users.

(Title 18, United States Code, Sections 2252A(a)(2)(B)
and (b)(1).)

COUNT TWO
(Possession of Child Pornography)

2. On or about October 26, 2018, in the Southern District of New York, DANIEL MONAHAN, the defendant, knowingly did possess, and knowingly did access with intent to view, a book, magazine, periodical, film, videotape, computer disk, and other material containing an image of child pornography that had been mailed, and shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, MONAHAN possessed images of child pornography, including images of prepubescent minors and minors who had not attained 12 years of age, on a phone located in Orange County, New York.

(Title 18, United States Code, Section 2252A(a)(5)(B) and
(b)(2).)

The bases for my knowledge and for the foregoing charges are as follows:

3. I am a Task Force Officer with the Federal Bureau of Investigation ("FBI"). As such, I am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request an arrest warrant. I have been a task force officer with the FBI, assigned to the Hudson Valley Safe Streets Task Force, since 2013. I have participated in numerous investigations involving crimes against children, including the receipt, possession, and/or distribution of child pornography by electronic means, sexual exploitation, and enticement of minors. I have gained expertise in these areas through training and daily work related to conducting these types of investigations.

4. I have been personally involved in the investigation of this matter, and I am familiar with the information contained in this Complaint based on my own personal participation in the investigation, my review of documents, conversations I have had with other law enforcement officers about this matter, my training and experience, and numerous discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Because this Complaint is being submitted for the limited purpose of

establishing probable cause to arrest the defendant, I have not included the details of every aspect of the investigation. Where actions, conversations, and statements of others are related herein, they are related in substance and in part, except where otherwise indicated.

The Investigation

5. Based on my review of criminal history records and probation reports for DANIEL MONAHAN, the defendant, I am aware that:

a. On or about September 26, 2016, DANIEL MONAHAN, the defendant, was convicted in the Town of Newburgh, New York of Aggravated Unlicensed Operation in the 2nd Degree, a misdemeanor, and sentenced to a term of three years' probation. The conditions of Monahan's probation included the requirement that he permit the Probation Department to conduct searches of his person, residence and other property.

b. On or about May 23, 2018, MONAHAN was arrested and charged in Newburgh City Court with Possessing a Sexual Performance By A Child Less Than 16. On or about November 8, 2018, MONAHAN pled guilty to this offense. On January 8, 2019, he was sentenced to six months' imprisonment and ten years' probation.

6. Based on my review of Orange County Probation reports and my conversations with a City of Newburgh Police detective ("Detective-1"), I am aware that:

a. On or about October 26, 2018, while the May 23, 2018 charge was pending, the Probation Officer assigned to supervise DANIEL MONAHAN ("Officer-1") was conducting a home visit of MONAHAN at MONAHAN's residence in Orange County, New York. During the visit, Officer-1 requested to view MONAHAN's cell phone. MONAHAN provided his phone (the "Monahan-Phone") to Officer-1. Officer-1 reviewed it and discovered a number of what appeared to be sex-related conversations. Officer-1 took custody of the Monahan-Phone for further review. Later that same day, Officer-1 discovered in the photo gallery of the Monahan-Phone several videos of what appeared to be children engaging in sexual explicit activity. Following that discovery, Officer-1 brought the Monahan-Phone to the City of Newburgh Police Department.

b. On or about October 26, 2018, Detective-1 received the Monahan-Phone from Officer-1. Detective-1

observed several videos located in a "Kik" folder¹ in the photo gallery on the Monahan-Phone that appeared to depict children engaging in sexually explicit activity.

7. On or about November 15, 2018, United States Magistrate Judge Davison authorized a search of the Monahan-Phone to look for evidence of child pornography. An FBI employee trained in the review and extraction of digital evidence examined the Monahan-Phone and extracted material from the Monahan-Phone.

8. I have reviewed the material extracted from the Monahan-Phone. The extracted material includes a number of Kik communications. These communications include the following:

a. On October 18, 2018 at approximately 9:22 p.m., a Kik user with the user name "Chokeonthishor" and the screen name "Cok Choke," sent an image ("Image-1") to a Kik user named "almasd89" with the screen name "Alma Sherylus." Image-1 depicts DANIEL MONAHAN, the defendant, wearing a red shirt. I am able to identify MONAHAN as the individual depicted in Image-1 because I have reviewed MONAHAN's criminal history records, which include a photo of MONAHAN.

b. On October 19, 2018 at approximately 11:06 p.m., the Kik user with the user name "Chokeonthishor" and the screen name "Cok Choke," sent a video ("Video-1") to a Kik user with the user name "Dev1111n98" and screen name "Devin Long." Video-1, which is approximately 1 minute and 17 seconds long, depicts a prepubescent female naked from the waist down with an adult male rubbing an erect penis on the female's vagina.

c. On October 20, 2018 at approximately 12:47 a.m., the Kik user with the user name "Chokeonthishor" and the screen name "Cok Choke," sent Video-1 to a Kik user with the user name "Zboi351" and screen name "Zee Boi."

d. On October 20, 2018 at approximately 1:56 a.m., the Kik user with the user name "Chokeonthishor" and the screen

¹ Based on my training and experience, I am familiar with an application for mobile devices called "Kik." Kik permits instant messaging from one Kik user to another Kik user. In addition, through Kik, users can transfer material, including text, documents, photos and videos, electronically.

name "Cok Choke," received an image ("Image-2") from Kik user "bigirlsxy" with screen name "Bigirl Sxy." Image-2 depicts two naked prepubescent females on a bed. One of the females has her mouth on the breast of the other female.

e. On October 20, 2018 at approximately 5:12 a.m., the Kik user with the user name "Chokeonthishor" and the screen name "Cok Choke," sent an image ("Image-3") to Kik user "KristineStunts1" with screen name "Kristine Nuna." The transmission of Image-3 followed the receipt of a message from "Kristine Nuna," stating, "let me see you." Image-3 is a picture of DANIEL MONAHAN, the defendant, wearing a blue shirt and a hat. I am able to identify MONAHAN as the individual depicted in Image-3 because I have reviewed MONAHAN's criminal history records, which include a photo of MONAHAN.

f. On October 26, 2018 at approximately 12:15 a.m., the Kik user with the user name "Chokeonthishor" and the screen name "Cok Choke," sent a video ("Video-2") to a Kik user with the user name "Davion25barr" and screen name "Cory barnes." Video-2 is 40-second video of two prepubescent females who are naked and kissing each other's body and genitalia.


g. On October 26, 2018 at approximately 7:53 a.m., the Kik user with user name "chokeonthishor" and screen name "Cok Choke" sent a video ("Video-3") to a Kik user "LittleStellie" with screen name "EllieMy.Netisslow." Video-3 is a 43-second video of an adult male lying on a bed without a shirt, with his pants pulled down, and his genitals exposed. A female appears on the video. The female, whose head and neck are visible in the video, performs oral sex on the adult male.

9. I am aware that the National Center for Missing and Exploited Children ("NCMEC") works with law enforcement to assist in identifying children who appear in videos that appear to depict child pornography. Based on information I obtained from NCMEC, I am aware that the female who appears in Video-3 has been identified. Following my receipt of materials from NCMEC, I communicated with an FBI Special Agent in Maryland who is familiar with the female who appears in Video-3 and advised me that she was a prepubescent child at the time Video-3 was made and that Video-3 was made in Delaware.

10. Based on the fact that, as discussed above in ¶¶ 8(a) and 8(e), Image-1 and Image-3 depict DANIEL MONAHAN, the defendant, I believe that MONAHAN is the Kik user with the user name "Chokeonthishor" and the screen name "Cok Choke."

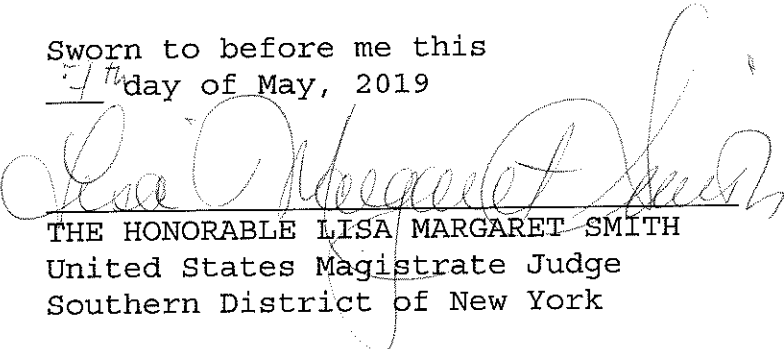
11. On or about February 11, 2019, United States Magistrate Judge Lisa Margaret Smith authorized a search warrant to obtain historical location information for the Monahan-Phone for the period of October 3, 2018 through October 26, 2018. I have reviewed the information obtained pursuant to this warrant. The information reveals that all of the calls made from the Monahan-Phone from October 3, 2018 through October 26, 2018 were routed to cell towers within the Southern District of New York. Accordingly, I believe that DANIEL MONAHAN, the defendant, was in the Southern District of New York from on or about October 19, 2018 through on or about October 26, 2018, when he used the Monahan-Phone to receive and send sexually-explicit images and videos of children.

WHEREFORE, the deponent respectfully requests that DANIEL MONAHAN, the defendant, be arrested and imprisoned or bailed, as the case may be.



RYAN CLANCY
Task Force Officer
Federal Bureau of Investigation

Sworn to before me this
7th day of May, 2019



THE HONORABLE LISA MARGARET SMITH
United States Magistrate Judge
Southern District of New York